

Senate Study Bill 1090 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act relating to identity theft, and providing a penalty.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 715A.8, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 2A. Notwithstanding subsection 2, a
4 person of the applicable age indicated in this subsection who
5 knowingly takes, purchases, manufactures, records, possesses,
6 uses, or attempts to take, purchase, manufacture, record,
7 possess, or use identification information of another person
8 or entity for the following purposes may be considered to have
9 violated the applicable statute or ordinance governing such
10 purposes but shall not be considered to have committed any
11 offense of identity theft under this section:

12 a. Possession or purchase of alcohol by a person under the
13 age of twenty-one.

14 b. Entry by a person under the age of twenty-one onto the
15 premises of an establishment where one may purchase alcoholic
16 beverages as defined in section 123.3 for consumption on the
17 premises and in which the serving of food is only incidental to
18 the consumption of those beverages.

19 c. Entry by a person under the age of seventeen onto the
20 premises of a motion picture theater for the viewing of a
21 motion picture which is prohibited to be viewed by persons
22 under the age of seventeen.

23 d. Possession or purchase of cigarettes or tobacco products
24 by a person under the age of eighteen.

25 e. Entry by a person under the age of twenty-one onto the
26 premises of a racetrack, excursion boat, or gambling structure.

27 f. Entry by a person under the age of eighteen onto
28 the premises of a business establishment other than an
29 establishment identified in paragraph "b", "c", or "e" where
30 such entry is prohibited by persons under the age of eighteen.

31 g. Obtaining employment in violation of chapter 92.

32 Sec. 2. Section 715A.8, subsection 3, Code 2013, is amended
33 by striking the subsection and inserting in lieu thereof the
34 following:

35 3. A person who violates this section commits a class "D"

1 felony.

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EXPLANATION

3 This bill relates to the offense of identity theft.

4 The bill provides that persons of specified ages who
5 knowingly take, purchase, manufacture, record, possess, or use
6 identification information, or who attempt to do so, for a
7 designated list of offenses may be considered to have violated
8 the applicable statute or ordinance relating to that offense,
9 but shall not be considered to have committed identify theft
10 under Code section 715A.8. The offenses in general relate to
11 underage possession of alcohol, underage entry onto premises
12 where alcohol is served, underage entry onto the premises of
13 a motion picture, underage possession or purchase of tobacco,
14 underage entry onto the premises of a gambling establishment,
15 underage entry onto the premises of any other business
16 establishment with age restrictions attached, and obtaining
17 employment in violation of child labor laws specified in Code
18 chapter 92.

19 The bill additionally states that a violation of the
20 identity theft provisions in Code section 715A.8 constitutes
21 a class "D" felony. Currently, the Code section specifies
22 that if the value of credit, property, or services for which
23 identity theft was utilized exceeds \$1,000, the violation
24 constitutes a class "D" felony, and if below that amount the
25 violation constitutes an aggravated misdemeanor. A class "D"
26 felony is punishable by confinement for no more than five years
27 and a fine of at least \$750 but not more than \$7,500.